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Written statement* submitted by the Jubilee Campaign, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

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* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Situation of human rights of lawyers, judges and human rights defenders in the Islamic Republic of Pakistan

Jubilee Campaign, together with Christian Solidarity Worldwide (CSW), seeks to draw the Human Rights Council's attention to the challenges faced by lawyers, human rights defenders and judges in the Islamic Republic of Pakistan who work with on sensitive human rights issues such as blasphemy cases, and who pursue justice for religious minorities.

Background

Articles 9, 25, 75 and 203 of the Constitution of Pakistan, 1973, provide for the independence of judiciary. The safety of lawyers, judges and human rights defenders is integral to Pakistan's duty under the International Covenant on Civil and Political Rights which includes the obligation to protect the right to life (Article 6); the right to fair trial by competent, independent and impartial tribunal (Article 14); and equality before the law (Article 26).

During the second cycle of the Universal Periodic Review (UPR) in 2012, Pakistan accepted several recommendations regarding human rights defenders (HRDs). It agreed to combat impunity for attacks on human rights defenders by effectively investigating allegations, prosecuting those responsible, implementing measures to protect the right to life and freedom of expression, and ensure that perpetrators of violence are brought to justice.

The lack of protection of judiciary in Pakistan was highlighted in 2012 by Gabriela Knaul, Special Rapporteur on the independence of judges and lawyers. She raised concerns about the number and nature of reported cases of threats, attacks and killings of judges and lawyers. According to CSW's partners in Pakistan, the situation for lawyers and judges has worsened in recent years. The volatile security situation, growing religious fundamentalism, and complex political circumstances in Pakistan make their work very dangerous. Activists, lawyers and, district level judiciary have been threatened and killed throughout Pakistan, and those responsible for these violations continue to enjoy widespread impunity. Threats to HRDs stem from multiple quarters, including state and non-state actors and religious and political groups, and in some cases the local community, district administration and police.

Current situation of lawyers

Lawyers defending blasphemy-related, or other sensitive cases relating to minority issues, frequently face threats of violence, sometimes leading to death. On 7 May 2014 a lawyer from the Human Rights Commission of Pakistan, Rashid Rehman, was shot dead by gunmen in front of colleagues in his office, for defending a university lecturer accused of blasphemy. After Rehman's killing, Shahbaz Gormani, the lecturer's new defence counsel, was attacked at his residence by gunmen on motorcycles on 3 December 2014. The attackers warned there would be violent consequences if he pursued the case.

This year in May, lawyers Rana Khalid Abbas and Irfan Chauhan were killed by police in a demonstration by lawyers regarding an anti-encroachment operation in the city of Daska, Punjab.

CSW has received reliable information about various forms of harassment experienced by lawyers defending people accused of blasphemy. The lawyers face frequent intimidation and harassment, both in their homes and in the courtroom. They are frequently barred from entering courtrooms or judge's chambers. Once in the courtroom, they may face hostility from violent mobs. Religious extremist organisations regularly attend court hearings in order to intimidate the defence counsel and increase tensions by chanting religious verses and slogans. Extremist organisations such as Sipah-e-Sahaba Pakistan (SSP) often organise busloads of protesters for this purpose.

In 2013 minority lawyers filing a bail petition for Shagufta Kausar, a woman convicted of blasphemy together with her husband for allegedly sending text messages insulting Islam, were threatened in court by extremists with lethal weapons. The lawyers were warned to "leave the case or be ready to die". The lawyers reported the case to the judge but no action was taken; in fact, the judge transferred the case as he did not want to hear it. On 12 February 2014, while

returning from the Lahore High Court after defending Arif Masih, a Christian Pakistani accused of blasphemy, the same lawyers were stopped by two motorcyclists with guns. The assailants threatened to kill them. The lawyers were stopped again in Lahore and threatened that if they did not abandon the case, extreme steps would be taken.

The same minority lawyers have also been threatened and harassed while working to bring justice to the Christian community in Youhanabad, after a double suicide attacks on two churches on 15 March 2015. On 1 April 2015, lawyers filed a written petition in the court against the government of Punjab concerning misconduct by police officials. After the order was passed, the lawyers began to receive death threats from local police and religious extremists for their work defending the rights of Christians in Youhanabad.

Lawyers dealing with blasphemy cases and rights of minorities continue to face violence and harassment in Pakistan, and the examples above illustrate the nature of this harassment. However, the harassment remains systematic and is likely to affect most lawyers who deal with sensitive cases.

Current situation of judges

Judges also face significant challenges, which can undermine their independence and that of the legal system. Several judges have been physically attacked and threatened with torture even during the court hearings. Many judges are afraid to hear prominent minority cases for fear of reprisal, making progress in these cases painfully slow. In 2011 Pervez Ali Shah, the judge who sentenced Governor Salman Taseer's murderer to death, had to leave Pakistan following harassment and death threats. In August 2015, district and sessions judge Tahir Khan Niazi was shot and later died after an attack by Tehreek-e-Taliban (TTP) in Rawalpindi.

As far back as 2012, Gabriela Knaul, Special Rapporteur on the independence of judges and lawyers, expressed concerns that judges have been coerced to decide against the accused even without supporting evidence, and to convict people accused of blasphemy.

Challenges faced by other human rights defenders

The situation for other human rights defenders **(HRDs)** remains equally challenging, and the space in which civil society operates is diminishing. In 2015 the government transferred registration of INGOs to the Interior Ministry, with proposals to review laws and regulations regarding the registration and activities of INGOs. The proposed legislative changes have raised further concerns about the government's intention to crackdown on dissent. As a consequence, several NGOs have already stopped their work on sensitive human rights issues.

The government of Pakistan fails to provide protection for and guarantee the human rights of lawyers, judges and human rights defenders operating in the country. The harassment of lawyers and judges violates fundamental human rights and undermines the rule of law and the independence and integrity of the courts, as well as the democratic development of Pakistani society. Intimidation of lawyers, and violence and threats against them, undermine the wider right to a fair trial. Rule of law remains weak in general.

The work of lawyers, judges and human rights activists in Pakistan is key to the advancement of religious minorities' rights, and the harassment they experience reflects a wider problem of intolerance, hate speech and religiously-motivated violence. Violence and threats against lawyers, judges and human rights defenders promoting equal rights and justice for religious minorities, are embedded in the institutionalised discrimination against religious and other minorities.

Recommendations to the Human Rights Council

Jubilee Campaign together with CSW therefore encourages the Human Rights Council to:

1. Urge the government of Pakistan to honour its obligation under the constitution and international treaties to protect those defending human rights, including lawyers and judges, and to ensure they are not intimidated or harassed for their professional activities.

2. Urge the government of Pakistan to combat the culture of impunity and bring to justice all perpetrators of attacks and threats against lawyers, judges and human rights defenders.

3. Urge the government of Pakistan to extend a standing invitation and to fully collaborate with all UN Special Procedures, and to respond promptly to outstanding correspondence from Special Procedures mandates.

4. Urge the government of Pakistan to take steps to end religiously-motivated violence, intervene effectively to stop violence where it occurs, protect religious minorities, address hate speech and incitement to hatred and violence, and promote freedom of religion or belief for all.

5. Urge the government of Pakistan to guarantee the rule of law and protection for minorities using all appropriate measures, including conditions of fair trial, police protection for witnesses, judges and lawyers during court proceedings in blasphemy cases. The government should establish a special police taskforce to protect religious minorities, as indicated in the Supreme Court verdict in 2014.

6. Call on the international community to provide support to human rights defenders, lawyers and judges and civil society organisations in Pakistan documenting human rights violations and disseminating this information;

7. Urge the government of Pakistan to establish an open multi-stakeholder platform for further consultations on the proposed legislation to regulate NGOs and INGOs working in Pakistan.